

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

JAN 05 2018

Clerk, U S District Court
District Of Montana
Billings

SUSAN MAKI SCHAFF,

Petitioner,

vs.

STATE OF MONTANA, ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

CV 17-129-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

Petitioner Susan Maki Schaff, appearing pro se, seeks habeas corpus relief pursuant to 28 U.S.C. § 2254. Schaff is a state prisoner challenging her conviction for felony Driving Under the Influence in Montana's Thirteenth Judicial District. (Doc. 1).

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations filed on December 18, 2017. (Doc. 5). Judge Cavan recommends that this Court deny Schaff's habeas petition on the merits. (Doc. 5 at 7). Specifically, Judge Cavan determined that Schaff failed to raise a cognizable habeas claim or demonstrate that she is entitled to federal habeas relief. (*Id.* at 7).

Pursuant to 28 U.S.C. § 636(b)(1), Schaff was required to file written objections within 14 days of the filing of Judge Cavan's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews Judge Cavan's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that Judge Cavan committed clear error.

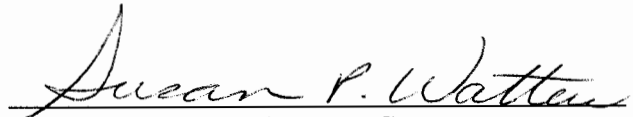
IT IS ORDERED that the proposed Findings and Recommendations entered by United States Magistrate Judge Cavan (Doc. 5) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that this matter is DISMISSED.

IT IS FURTHER ORDERED that the Clerk of Court is directed to close this matter and enter judgment in favor of the Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Clerk of Court is directed to reflect in the docket that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 5th day of January 2018.


SUSAN P. WATTERS
United States District Judge